

# VIRGINIA FAIR HOUSING BOARD

## MINUTES OF MEETING

September 29, 2010

The Fair Housing Board Meeting was held at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

David B. Rubinstein, Chairman  
Tonye Epps  
Jeffrey Adkins  
Martin Maples  
Jim Ginnell  
Matthew K. Kim  
Andrew Reisinger  
F. Thomas Eck, IV

Board members not present: Rosario Carrera  
Neil Bhatt  
Phyllis Randall

DPOR Staff present for all or part of the meeting included:

Gordon Dixon, Director  
Nicholas Christner, Deputy Director  
Mark Courtney, Deputy Director  
Christine Martine, Executive Director  
Liz Hayes, Fair Housing Administrator  
Deanda Shelton, Assistant Fair Housing Administrator  
Emily Trent, Administrative Assistant  
Angela Keefe-Thomas, Fair Housing Investigator  
Annie Wilson, Fair Housing Specialist  
Karen Taylor, Fair Housing Specialist  
Matt Vincent, Fair Housing Investigator

Tom Payne, Assistant Attorney General with the Office of the Attorney General, was present.

Chairman Rubinstein called the meeting to order at 10:05 **Call to Order**  
A.M.

A motion was made by Ms. Epps and seconded by Mr. **Agenda**  
Maples to approve the Agenda. The motion passed

unanimously. Members voting "Yes" were: Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

A motion was made by Mr. Maples and seconded by Ms. Epps to approve the July 27, 2010, Regulatory Review Committee Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

**Minutes**

A motion was made by Mr. Maples and seconded by Ms. Epps to approve the July 28, 2010, Fair Housing Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

There was no public comment.

**Public Comment**

Liz Hayes updated the Board on the current investigative case load.

**Fair Housing  
Administrator's Report**

In the matter of **FHB File Number 2010-01052, Vicki Wells v. Kenneth Saunders**, the Board deferred the matter to the December 8, 2010, Board meeting.

**FHB File Number 2010-01052, Vicki Wells v. Kenneth Saunders**

In the matter of **FHB File Number 2010-05358, Thomas Schott v. Ursula Fletcher, Edgewood Management Corporation, and Mercury Associates Limited Partnership**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Supplemental Final Investigative Report. Yoora Pak, attorney for the respondents, appeared and addressed the Board. A motion was made by Mr. Maples and seconded by Mr. Ginnell to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

**FHB File Number 2010-05358, Thomas Schott v. Ursula Fletcher, Edgewood Management Corporation, and Mercury Associates Limited Partnership**

In the matter of **FHB File Number 2010-02089, Fair Housing Board v. KBS, Inc., Warner & Associates, Timmons Group and Oakland Chase Associates, LP**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Official Consultation Memorandum from the Office of the Attorney General. Andrew Sherrod,

**FHB File Number 2010-02089, Fair Housing Board v. KBS, Inc., Warner & Associates, Timmons Group and Oakland Chase Associates, LP**

attorney for respondent KBS, Inc., appeared and addressed the Board. Missy Wycinsky, attorney for respondent Timmons Group, appeared and addressed the Board. Mike Rothernel, attorney for Oakland Chase Associates, LP, appeared and addressed the Board.

At 10:36 A.M., Mr. Eck offered a motion which was seconded by Mr. Maples, that the Board meeting be recessed and that the Fair Housing Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne, Liz Hayes and Deanda Shelton. **Closed Session**

This motion is made with respect to the matter(s) identified as agenda item(s):

**8. FHB File Number 2009-02089, Fair Housing Board v. KBS, Inc., Warner & Associates, Timmons Group and Oakland Chase Associates, LP**

At 11:15 A.M., a motion was made by Mr. Adkins and seconded by Mr. Maples that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and **Certification**

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Fair Housing Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Fair Housing Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by

the Fair Housing Board.

VOTE: 8-0

AYES: Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Bhatt, Carrera and Randall.

In the matter of **FHB File Number 2010-02089, Fair Housing Board v. KBS, Inc., Warner & Associates, Timmons Group and Oakland Chase Associates, LP**, a motion was made by Mr. Rubinstein to find no reasonable cause that the respondent Warner & Associates failed to design and construct the entrance routes to the subject buildings to be handicapped accessible by persons with a disability. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

**FHB File Number 2010-02089, Fair Housing Board v. KBS, Inc., Warner & Associates, Timmons Group and Oakland Chase Associates, LP**

A motion was made by Mr. Eck and seconded by Mr. Maples to find reasonable cause that the respondents KBS, Inc., Timmons Group and Oakland Chase Associates, LP and Tetra Companies, LLC failed to design and construct the entrance routes to the subject buildings to be handicapped accessible by persons with a disability. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

In the matter of **FHB File Number 2010-02399, David Boyd v. Jim Trousdale, Maritza Rose, Kenneth Lewis, and Bank of America Home Loans**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Supplemental Investigative Report. David Boyd, complainant, appeared and addressed the Board. A motion was made by Mr. Adkins and seconded by Mr. Ginnell to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Epps,

**FHB File Number 2010-02399, David Boyd v. Jim Trousdale, Maritza Rose, Kenneth Lewis, and Bank of America Home Loans**

Ginnell, Kim, Maples, Reisinger and Rubinstein.

Due to a possible conflict of interest, Mr. Eck did not participate in discussion or vote in the matter.

The Board recessed from 11:15 A.M. to 11:25 A.M.

**Break**

In the matter of **FHB File Number 2010-05689, Lucinda Jones v. Betty Elmore**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Ms. Jones submitted a written statement to the Board. A motion was made by Mr. Reisinger and seconded by Ms. Epps to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

**FHB File Number 2010-05689, Lucinda Jones v. Betty Elmore**

In the matter of the **File Number 2010-05047, Housing Opportunities Made Equal v. Hayvir LLC**, a motion was made by Mr. Ginnell and seconded by Ms. Epps to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

**File Number 2010-05047, Housing Opportunities Made Equal v. Hayvir LLC**

In the matter of the **File Number 2010-04796, Darryl Johnson v. BL Assoicates, LLC, Cassandra Robertson and Crystal Palmer**, a motion was made by Mr. Ginnell and seconded by Ms. Epps to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

**File Number 2010-04796, Darryl Johnson v. BL Assoicates, LLC, Cassandra Robertson and Crystal Palmer**

In the matter of the **File Number 2010-05058, Timothy Voightsberger v. Karen Henderson and Sea Pines, LP**, a motion was made by Mr. Ginnell and seconded by Ms. Epps to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

**File Number 2010-05058, Timothy Voightsberger v. Karen Henderson and Sea Pines, LP**

In the matter of the **File Number 2010-03596, Andrea Vaughan v. Tanya Lyons, Melissa Widner, and**

**File Number 2010-03596, Andrea Vaughan v.**

**Northway, LP**, a motion was made by Mr. Ginnell and seconded by Ms. Epps to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

**Tanya Lyons, Melissa Widner, and Northway, LP**

In the matter of the **File Number 2010-05043, Housing Opportunities Made Equal of Virginia, Inc., v. James D. Otis, III, and Lynn C. Otis**, a motion was made by Mr. Ginnell and seconded by Ms. Epps to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

**File Number 2010-05043, Housing Opportunities Made Equal of Virginia, Inc., v. James D. Otis, III, and Lynn C. Otis**

In the matter of the **File Number 2010-06055, Bridgette Moats v. Jack Hurst, Owner and James M. Hurst, Owner**, a motion was made by Mr. Ginnell and seconded by Ms. Epps to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

**File Number 2010-06055, Bridgette Moats v. Jack Hurst, Owner and James M. Hurst, Owner**

In the matter of the **File Number 2010-05765, Nora Ward v. Betty Hairston, Royal Arms Associates, LP**, a motion was made by Mr. Ginnell and seconded by Ms. Epps to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

**File Number 2010-05765, Nora Ward v. Betty Hairston, Royal Arms Associates, LP**

In the matter of the **File Number 2009-01401, Norma Hutchinson v. M.W.A., Inc., d/b/a Alls & Company, and Malcolm W. Alls**, a motion was made by Mr. Ginnell and seconded by Mr. Eck to approve the settlement terms as presented. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

**File Number 2009-01401, Norma Hutchinson v. M.W.A., Inc., d/b/a Alls & Company, and Malcolm W. Alls**

In the matter of **FHB File Number 2008-04043, Patricia Walsh v. Briarwood Hearth Owner's Association**, the Board reviewed the settlement conference information.

**FHB File Number 2008-04043, Patricia Walsh v. Briarwood Hearth Owner's Association**

At 11:45 A.M., Ms. Epps offered a motion which was seconded by Mr. Adkins, that the Board meeting be recessed and that the Fair Housing Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne and Liz Hayes.

**Closed Session**

This motion is made with respect to the matter(s) identified as agenda item(s):

**19. FHB File Number 2009-02089, Fair Housing Board v. KBS, Inc., Warner & Associates, Timmons Group and Oakland Chase Associates, LP**

At 12:38 P.M., a motion was made by Mr. Adkins and seconded by Mr. Eck that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

**Certification**

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Fair Housing Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Fair Housing Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 8-0

AYES: Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Bhatt, Carrera and Randall.

In the matter of **FHB File Number 2008-04043, Patricia Walsh v. Briarwood Hearth Owner's Association**, a motion was made by Mr. Maples and seconded by Mr. Ginnell to designate Liz Hayes as the Board's representative for the settlement conference pertaining to FHB File Number 2008-04043, Patricia Walsh v. Briarwood Hearth Owner's Association. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

**FHB File Number 2008-04043, Patricia Walsh v. Briarwood Hearth Owner's Association**

A motion was made by Mr. Eck and seconded by Mr. Eck to accept the September 29, 2010, Education Committee Report. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

**Education**

A motion was made by Mr. Eck and seconded by Mr. Kim to authorize Board staff to rescind the pending Notice Of Intended Regulatory Action (NOIRA) for General Review of Fair Housing Regulations and re-issue a NOIRA for general review of Fair Housing Regulations. The motion passed unanimously. Members voting "Yes" were Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

**Administrative Issues**

The Board adjourned at 12:45 p.m.

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David B. Rubinstein, Chairman

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Gordon Dixon, Secretary